

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3676 OF 2005
WITH
CIVIL APPLICATION NO.173 OF 2005
IN
FIRST APPEAL NO.1449 OF 2004

The State of Maharashtra & Ors. ..Applicants
Vs.
Mr. Shivajirao Balaso Hanmantrao Sawant-
Bhosale ..Respondent

WITH
CIVIL APPLICATION NO.174 OF 2005
WITH
CIVIL APPLICATION NO.3677 OF 2005
IN
FIRST APPEAL NO.1450 OF 2004

The State of Maharashtra & Ors. ..Applicants
Vs.
Mr. Ajitsingh J. Sawant-
Bhosale ..Respondent

WITH
CIVIL APPLICATION NO.3678 OF 2005
WITH
CIVIL APPLICATION NO.175 OF 2005
IN
FIRST APPEAL NO.1451 OF 2004

The State of Maharashtra & Ors. ...Applicants
Vs.
Mr. Gundu Babu Juvekar and Ors. ...Respondents

Mr. A.R. Patil, A.G.P. for Applicants
Mr.A.S.Desai for Respondents

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI, JJ.
DATED: 29TH AUGUST, 2005

P.C.

1. Heard Mr. Desai in support of these Civil Applications which are filed by the Respondents to the Appeals. Mr. Patil appears for the Appellant State

of Maharashtra.

2. The Civil Applications seek withdrawal of the compensation amounts which are deposited by the State in the trial Courts. The Application prays that the entire amount be permitted to be withdrawn without any security. Mr. Desai appearing for the Respondents points out that the lands which were acquired bare number of cashew-nut trees, therefore the District Court has rightly enhanced the compensation for the trees. The Respondents have in fact filed cross objections seeking further compensation.

3. Mr. Patil appearing for the State on the other hand submits that such a prayer cannot be granted. He submits that the amount be released only on furnishing a Bank guarantee of a Nationalised Bank.

4. We have noted the statements of both the parties. The Respondents are agriculturists and their lands have been acquired for the project of the State. In the facts of the case, although the appeal filed by the State has been admitted, we quite see that there was undoubtedly some case for revision of the compensation. In the circumstances we permit all these Respondents to withdraw 50% of the deposited amounts by producing the Solvency Certificate to the

satisfaction of the trial Court. As far as the remaining 50% is concerned the same will be allowed to be withdrawn only on furnishing Bank Guarantee of a Nationalised Bank which will have to be kept alive through out the proceeding of this Appeal.

5. In the Civil Application filed by the State along with the Appeal there has been an Ad-interim stay on the execution of the Award. That Ad-interim stay has been on the term of depositing the amount. The Ad-interim stay will stand confirmed subject to the order which is passed herein.

6. All the Civil Applications will stand disposed of.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)